

DWAYNE RIVENS- Baker Jr

§

SA-22-CV-01167-OLG

v

§

Jessica Riley, TDCJ, et AL,

§

§

FILED

MAR - 5 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 16
DEPUTYMOTION TO RECONSIDER

here such plaintiff such here motion pursuant to Federal Rules of Civil Procedure 54(B) § 59(E) to reconsider such interlocutory order, AND or alter or amend the final judgment based on the following with orders against defendant(s) Barrientes § Hassler § Herrera due to the fact discovery request made in such case specifically the use of force video that plaintiff needed to view to be able to establish which specific omissions acts each defendant participated in during such use of force that violated plaintiff's constitutional rights. Defendants have failed to answer interrogation which courts here precluded until motion to dismiss was ruled, giving plaintiff no form of discovery at all in such case. An request for counsel to obtain such discovery was denied where plaintiff is a layman to the law. plaintiff here has attached a step 1 where he has been denied access to such video to be able to make discovery & submit interrogation questions to defendants involved (see attachment A)

prayer to courts

~~Defendant~~ plaintiff prays to such courts of the law of the land that such motion be granted AND such defendants motion be denied until discovery needed / requested is available to plaintiff. I give such plaintiff leave to Amend.

certificate of service

plaintiff certifies such motion has been sent to here such courts from the Hughes Unit in Gatesville Texas This Date of Feb 23, 2024 From regular MAIL AND to defendants attorneys

VS ^A ^{JK} JB, without prejudice

Hughes Unit, 3201 Fm 929

Gatesville TX 76597



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

Dis "real"

Offender Name: DWAYNE RIVENS-BAKER TDCJ # 2064290

Unit: Hughes Housing Assignment: Epod 11 cell 12BLD

Unit where incident occurred: Hughes

Denial Access to Courts / Interference with civil Actions *

OFFICE USE ONLY

Grievance #: _____

Date Received: _____

Date Due: _____

Grievance Code: _____

Investigator ID #: _____

Extension Date: _____

Date Retd to Offender: _____

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Law Library, mailroom, I-60 To All wardens & 12BLD major When? Week of 02-7-24

What was their response? That warden had the video

What action was taken? This Step 1

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

ISSUE: Approx Jan 2020 I WAS sent by The Attorney general For Active civil suit # 5:22-cv-0116

in The Western district of Texas San Antonio division A use of force video to view so I may collect
evidence. I have wrote such wardens & major of 12BLD to review such BUT have not been allowed to

view such video. This is hindering my legal proceedings As I need To pursue discovery and make

disposition motions. I have deadlines That Administration on the Accred Hughes Unit is interfering

with. I've Told both mail room and law library of such issue and nothing seems to be done.

I need To review This As soon As possible

Copy

Action Requested to resolve your Complaint.

To Review such video of use of Force Attorney general sent as soon as possible so I may collect evidence and To not be further denied access to courts by administration

Offender Signature: _____

Date: 02-11-24

Grievance Response: _____

Signature Authority: _____

Date: _____

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

TO: CLERK OF WESTERN DISTRICT OF TEXAS

Re: SA-22-CV-01167-OLG, Date: 02-23-24

I have in here letter sent such A motion to
~~request~~ reconsider on orders made for defendants Barrientes,
Hassler, & Hernandez, Also This is A NOTICE OF Appeal to
All such orders that are deemed FINAL After here such
motion is viewed. I Do plan to Appeal. please send me
need info to do so.

\$1 GRB, with periodic

* (Attachment A - step 1 copy) *

DWANE RIVENS BAKER, TDCS RECORDED BY
Hughes Unit
3201 FM 920
Gratesville TX 76597

RECEIVED

MAR - 5 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

* (Legal mail)

MAR 04 2024

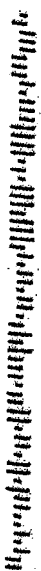
AUSTIN
RIO GRANDE
29 FEB 202



RECEIVED
U.S. DISTRICT COURT
SAN ANTONIO

CLERK, U.S. DISTRICT COURT
Western District of Texas
262 West Nueva Street
San Antonio, TX 78207

78207-452999



CV-7
SAN ANTONIO